

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

ROBERT LANCE CORAL,

Petitioner,

v.

RICHARD F. ALLEN¹,
Commissioner of the Alabama
Department of Corrections,

Respondent.

Civil Action No.
2:05-cv-1112-MEF

MOTION FOR LEAVE TO FILE AMENDED ANSWER

Comes now the Respondent, by and through the Attorney General of the State of Alabama, and requests permission to file an amended answer in the instant case. In support of this request, Respondent submits the following:

1. While preparing the joint report, Respondent found that it failed to allege certain defenses to claims G, J(1), J(2), and K in the petition.
2. Rule 15, Fed.R.Civ.P., provides, in part, as follows: “[A] party may amend the party’s pleading only by leave of court or by written consent of the

¹Richard F. Allen was appointed to serve as Commissioner of the Alabama Department of Corrections effective March 1, 2006. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, it is appropriate to substitute his name for that of Donal Campbell.

adverse party; and leave shall be freely given when justice so requires.”

3. This Court should allow Respondent to amend its answer to include its defenses to claims G, J(1), J(2), and K. This case was recently reassigned to undersigned counsel. When reviewing the State’s answer, counsel noticed several defenses that were not pleaded in the State’s answer.

4. Coral will not be prejudiced by this amendment because it is being made prior to any briefs being filed in this Court. Coral, therefore, will be given an opportunity to respond to Respondent’s defenses to these allegations in its brief.

For the reasons set forth above, Respondent respectfully requests that this Court grant Respondent leave to amend its answer.

Respectfully submitted,

Troy King
Attorney General

/s/ Beth Jackson Hughes
Beth Jackson Hughes
Assistant Attorney General

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: **LaJuana Davis.**

/s/ Beth Jackson Hughes
Beth Jackson Hughes
Assistant Attorney General

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